

³ *Id.*

Case No. 1:18-cv-2498

Gwin, J.

The Federal Magistrates Act requires a district court to review *de novo* only the objected-to portions of an R&R.⁴ Failure to timely object waives a party's right to contest the R&R.⁵ Where a party does not object to the R&R, the Court may adopt it without review.⁶

Here, Petitioner Primm has waived his right to contest the R&R by failing to file timely objections.⁷ Additionally, this Court has examined the petition and the return and agrees that Petitioner Primm's § 2254 petition was untimely.⁸ The Court also finds that reasonable jurists would not debate the denial of Primm's petition on untimeliness grounds.⁹

Accordingly, given Petitioner Primm's decision not to object to the R&R in this case and the petition's lack of merit, the Court **ADOPTS** Magistrate Judge Henderson's R&R, incorporates it as if fully restated herein, and **DENIES** Petitioner Primm's § 2254 habeas petition and the requested certificate of appealability.

IT IS SO ORDERED.

Dated: July 23, 2021

s/ James S. Gwin
JAMES S. GWIN
UNITED STATES DISTRICT JUDGE

⁴ 28 U.S.C. § 636(b)(1).

⁵ *Thomas v. Arn*, 474 U.S. 140, 154 (1985); *Gerth v. Warden, Allen Oakwood Corr. Inst.*, 938 F.3d 821, 827 (6th Cir. 2019).

⁶ *See Thomas*, 474 U.S. at 149–50.

⁷ *Id.*

⁸ Doc. 11 at 5–10.

⁹ *Id.* at 10; *Slack v. McDaniel*, 529 U.S. 473, 484 (2000).